

Guide to Arlington Zoning Bylaw Recodification

Prepared by the Zoning Recodification Working Group

October 11, 2017

Introduction This guide is a companion to the “Second Reading Draft 07-2017” to describe in detail where and why sections were moved or edited in this revision. The scope of the revision is a recodification, reorganization, and updating of the bylaw. The goals of this recodification effort are to (1) create a document that is easy for users to navigate, (2) simplify and update the language of the Bylaw wherever possible, and (3) provide a structure that is both predictable and flexible enough to accommodate amendments over time. In addition, recodification ensures the Bylaw is consistent with internal and external laws and regulations, e.g. conformance with Massachusetts General Law Chapter 40A The Zoning Act.

This guide consists of a table organized to be reviewed by row; each row represents a section of the Zoning Bylaw. Along each row there are five columns. The first two columns identify the section and title of provisions in the current zoning bylaw. The third column identifies the corresponding section in the revised zoning bylaw. The fourth column summarizes proposed changes. The fifth column explains the purpose for the amendment, such as to make the bylaw easier to understand and use, or to make it consistent with local or state laws or regulations. Please note that all proposed amendments to Definitions can be found in a separate document titled Guide to Arlington Zoning Bylaw Recodification Definitions.

Every effort has been made to preserve Arlington’s basic land use policies during the revision process. In general, recodification is not the right process for making comprehensive land use policy changes. However, when bylaws contain ambiguous provisions, obsolete or archaic language, or text that is dense and difficult to decipher – or provisions conflict or contradict other provisions – the meaning and interpretation of the bylaw can be lost. Additionally, sometimes the desire to simplify language requires people to consider trade-offs: what will the consequences of simplification be, and are they acceptable? It is important for reviewers of this draft to know that while the authors, RKG and the Zoning Recodification Working Group, Department of Planning and Community Development, have tried to avoid disturbing existing policy; the draft contains some changes that people may wish to debate. This Guide is designed to support a public conversation about the draft Zoning Bylaw: does it achieve the goals of the recodification project and substantially preserve the policies Arlington values?

Guide to Arlington Zoning Bylaw Revision				
Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
1.01	Short Title	1.1		
1.02	Authority	1.3	The recodification removes language from 1.02 that did little more than state the obvious (e.g., a statement that mandatory amendments to 40A would supersede provisions in the Zoning Bylaw). This section now references authority granted by MGL Ch. 40A and Article 89 of the Amendments to the MA Constitution.	Usability
1.03	Purpose	1.2	Much of 1.03 duplicates Section 2A of Chapter 808 of the acts of 1975. The recodification incorporates Ch. 808 Sec 2A by reference, rather than repeating much of it verbatim. There are small differences between Ch. 808 Sec 2A and section 1.03, but these do not appear to be substantive. (For example: Section 1.03 mentions "preserving open space ... for ... flora and fauna" while 2A mentions "preventing blight and pollution of the environment". 2A mentions "securing safety from flood", while 1.03 omits mention of protections from flooding.)	Usability
2.01	Definitions	2	See separate "Definitions" document.	
3.01	Establishment of districts	4.1, 4.1.1	Section 3.01 lists the zoning districts; the same list appears in Section 4.1.1 of the recodification.	Usability

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3.02	Description of zoning districts	5.4.1	<p>Section 3.02 provides a brief description of each district, along with the purpose for which that district was intended. The recodified ZBL presents this material in three sections, corresponding to residential districts, business districts, and other districts. Descriptions of residential districts appear in section 5.4.1 of the recodification.</p>	Usability
3.02	Description of zoning districts	5.5.1	<p>Section 5.5.1 of the recodification contains descriptions of business districts, taken from Section 3.02. See also: preceding comments for section 3.02 of the current ZBL.</p>	Usability
3.02	Description of zoning districts	5.6.1	<p>Section 5.5.1 of the recodification contains descriptions of multi-use, industrial, transportation, planned unit development, and open space districts; these definitions are taken from Section 3.02. See also: preceding comments for section 3.02 of the current ZBL. It should be noted that Mixed Use structures are allowed in the B2 Neighborhood Business District, which was inadvertently omitted from this draft document.</p>	Usability
3.03	Zoning Map	4.2	<p>Section 3.03 states that the zoning map and wetland and floodplain overlay are part of the zoning bylaw. These statements appear in Section 4.2 of the recodification. Section 4.2 also states that amendments to these maps are made in the same manner as any other amendments to the bylaw.</p>	Usability

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3.04	Changes to Map	1.5	Section 3.04 of the current ZBL goes into great detail about how zoning maps are amended. This is unnecessary; zoning maps are part of the zoning bylaw and must be amended in accordance with Chapter 40A, Section 5 (i.e., a map change is a bylaw change). Also see remarks for section 12.01	Consolidation of Requirements
3.05	Boundaries of Districts	4.2.1	Section 3.05 states how district boundaries are interpreted. List items a-g in Section 3.05 correspond to list items A-G in section 4.2.1 of the recodification.	Usability
4.01	Interpretation			
4.02	Application	1.4		
4.03	Existing Buildings and Land	8.1	Non-conforming Uses and Structures moved to "Special Regulations"	Usability
4.04	Multiple Business Uses		Removed. Mixed Use moved to Definitions.	Consolidation of Requirements
5.01	Applicability of Use Regulations	1.4, 5.1		Usability
5.02	Permitted Uses	5.2	Govt. uses allowed in all districts added.	Usability and Consistency with State Law
5.03	Uses Subject to Other Regulations		Removed. Unnecessary.	Usability
5.04	Table of Use regulations	5.2.1	Uses permitted in all districts	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
5.04	Table of Use regulations	5.4.3	Use regulations for residential districts	Usability
5.04	Table of use regulations	5.5.3	Use regulations for six business districts (B1, B2, B2A, B3, B4, B5). The allowed uses either by right or by Special Permit are grouped into major categories of similar types of land uses for ease of searching.	Usability and Consolidation of Requirements
5.04	Table of use regulations	5.6.3	Use Regulations for MU, PD, I, T, and OS Districts. The allowed uses either by right or special permit are grouped into major categories of similar types of land uses for ease of searching.	Usability and Consolidation of Requirements
5.05	Home Occupation	5.8.1	Moved from Use Regulations to District Regulations but otherwise unchanged.	Usability
5.06	Joint Occupancy of Schools		Eliminated. Unnecessary for the bylaw to address authority of the school department	Consolidation of Requirements
6	Table of Dimensional and Density Regulations	5.4.2	Regulations for residential districts are grouped together for ease of searching. Accessory structures are grouped with other residential structures by zone.	Usability and Consolidation of Requirements
6	Table of Dimensional and Density Regulations	5.5.2	Tables for dimensional and density requirements for principal and accessory uses and structures are presented for all six business districts (B1, B2, B2A, B3, B4 and B5)	Usability and Consolidation of Requirements

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6	Table of Dimensional and Density Regulations	5.6.2	Tables for dimensional and density requirements for principal and accessory uses and structures are presented for MU, PUD,I, T and OS Districts	Usability and Consolidation of Requirements
6.01	Reduction in lot area and separation of lots	5.3.2	No change in wording.	Usability and Consolidation of Requirements
6.02	Setback from Open Stream	5.7.4	Edited but unchanged. Also defined in the floodplain regulations and in the Town Wetland Bylaw. In State law the setback is more restrictive. Zoning Board of Appeals cannot over-rule the state wetlands law and town wetland bylaw.	Usability
6.03	Spacing of a Residential building on the same lot with another principal building	5.3.3	Minor editing.	Usability
6.04	Spacing of nonresidential buildings on the same lot	5.3.4(A)	No change in wording.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
6.05	Exceptions to Dimensional Requirements for Uses 2.05 and 2.07	5.3.4(B)	Slightly edited to name uses instead of giving their numbers. Otherwise unchanged.	Usability
6.06	Exception to Minimum Lot Size, frontage, open space, and side yard requirements in the R0, R1, R2 districts	5.4.2(B)(1), 5.4.2(B)(2)	Edited but unchanged	Usability
6.07	Buildings in floodplains		Conservation Commission rules are more restrictive. No structure, no activity is allowed within 50 feet of the 100 Ft. floodplain boundaries.	Consistency with local law.
6.08	Large additions	5.4.2(B)(6)	Clarifying language regarding when floor area is measured. Substance is unchanged.	Usability
6.09	Lot area per dwelling unit	5.3.1	Edited but unchanged.	Usability
6.1	Sale or lease of lots in a planned unit development	5.6.2(B)	No change in wording.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
6.11	Land area included in the calculation of floor area ratio	5.3.5	No change in wording.	Usability
6.12	Exceptions to Maximum Floor Area Ratio Regulations	5.3.6	Changes "Plans and Policies" to "Master Plan". Uses simplified def. of affordable housing units.	Usability and Internal Consistency
6.13	Reduced Height Limits in Height Buffer Areas	5.3.19	No change in wording.	Usability
6.14	Exceptions to Maximum Height Regulations	5.3.20	Format change only.	Usability
6.15	Height of Accessory Building and Other Structures in Residential (R) Districts	5.4.2	Regulations for accessory structures are incorporated into Tables of Dimensional and Density Regulations, by district.	Usability
6.16	Screening and Space Buffers - Industrial and Business Districts and Parking Lots	5.3.7	No change in wording.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
6.17	Corner lots and Thru lots	5.3.8	No change in wording.	Usability
6.18	Setback of Accessory Buildings and Other Structures	5.4.2	Incorporated into Tables of Dimensional & Density Regulations.	Usability
6.19	Projections into minimum yards	5.3.9	No change in wording.	Usability
6.2	Exception to Minimum Front Yard - Average Setback	5.3.10	Vacant lot [or lot proposed for reconstruction] added for clarification.	Usability
6.20a	Minimum Lot Width in R0, R1 and R2 Districts	5.4.2(b)(4)	No change in wording. Typo to be corrected ("above" to "below")	Usability
6.21	Dimensional Requirements for Courts	5.3.11	No change in wording.	Usability
6.22	Traffic Visibility Across Corners	5.3.12(A)	No change in wording.	Usability
6.23	Traffic Visibility for Driveways	5.3.12(B)	No change in wording.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
6.24	Accessory Underground Structures	5.3.13	No change in wording.	Usability
6.25	End Yards for Town House Structures	5.3.14	Edited but unchanged.	Usability
6.26	Buildings of Uneven Height or Alignment	5.3.15	No change in wording.	Usability
6.27	Yards or Setbacks for Lots Adjoining a Street or Public Open Space	5.3.16	No change in wording.	Usability
6.28	Planned Unit Development Yards and Setbacks	5.6.2	In table footnote B	Usability
6.285	Upper Story Building Step Backs	5.3.17	No change in wording.	Usability
6.29	Balconies and Roof as Portion of Usable Open Space	5.3.18	No change in wording.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
6.3	Open Space Regulations for Planned Unit Developments	5.6.2(A)	This describes the minimum open space requirements for planned unit developments by land use category	Usability and Consolidation of Requirements.
7.01	Signs - Intent and Purpose	6.2.1	Minor changes in wording	Usability
7.02	Signs - Applicability	6.2.2	No change in wording	Usability
		6.2.3	Added new section on administration of sign bylaw	Usability
7.03	Signs - General Regulations	6.2.4	Edited but unchanged	Usability
7.04	Prohibited signs	6.2.5	No change in wording	Usability
7.05	Signs permitted in any R district	6.2.6	Edited but unchanged	Usability
7.05a	Signs for Bed and Breakfasts	6.2.7	No change in wording	Usability
7.06	Signs permitted in any B, I, or PUD district	6.2.8	No change in wording	Usability
7.07	Special controls by Zoning district	6.2.9	Edited but unchanged	Usability
7.071	Signs permitted in B1, R6, R7 districts	6.2.9(A) and (B)	No change in wording	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
7.072	Signs permitted in any B2 or T district	6.2.9(C)	No change in wording	Usability
7.073	Signs permitted in any B3, B5, or PUD district	6.2.9(D)	No change in wording	Usability
7.073a	Signs permitted in any B3 and B5 District	6.2.9(E)	No change in wording	Usability
7.074	Signs permitted in any B2A or B4 district	6.2.9(F)	No change in wording	Usability
7.075	Signs Permitted in MU Districts	6.2.9(G)	No change in wording	Usability
7.076	Signs Permitted in OS districts	6.2.9(H)	No change in wording	Usability
7.08	Sign Permits and Maintenance	6.2.10	No change in wording	Usability
7.09	Signs - Special Permits	6.2.11	No change in wording	Usability
7.1	Nonconformance of Accessory Signs	6.2.12	No change in wording	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
7.11	Nonaccessory Signs	6.2.13	No change in wording	Usability
8.01	Off Street Parking Requirements	6.1.1(C)	Added purpose statement. Incorporates first two sentences of old 8.01.	Usability
		6.1.1(A)	Added new purpose statement.	Usability
		6.1.1(B)	Added new purpose statement.	Usability
		6.1.2	Added new explanation of the conditions under which the parking regulations apply.	Usability
8.01	Off Street Parking Requirements	6.1.3(B)	Added introduction to the administration of parking regulations. Incorporates last sentence of old 8.01	Usability
		6.1.3(A)	Added new introduction to the administration of parking regulations.	Usability
8.01	Off Street Parking Requirements	6.1.4	Organized Table of Off-Street Parking Regulations into labeled sections. Updated outdated uses and consolidated redundant uses.	Usability
8.01(a)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5	First sentence edited to make permitting authority clear and to include all multi-family residential zones.	Usability and Internal Consistency

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
8.01(a)(1)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5(A)	No change in wording.	Usability
8.01(a)(2)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5(B)	No change in wording. Cross references updated.	Usability and Internal Consistency
8.01(a)(3)	Parking reductions in Business, Industrial, and Multi-family residential zones	6.1.5(C)	No change in wording.	Usability
8.02	Off street loading and unloading requirements	6.1.6	Removed redundant use list from introductory paragraph (uses are enumerated in table). Edited to make permitting authority clear.	Usability
8.03	Existing Spaces	6.1.7	Grammatical edit for clarity in last clause, added section reference.	Usability
8.04	Computation of Spaces	6.1.8	No change in wording.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
8.05	Combined facilities	6.1.9	Edited to make permitting authority clear. Added requirement for legally enforceable agreement for consistency with location section.	Consistency and Law
8.06	Location of Parking Spaces	6.1.10	Edited to make permitting authority clear. Added words "legally enforceable" to agreement requirement.	Consistency and Law
8.07	Parking in Residential Districts	6.1.10(A)	8.07 heading and subsections a and b combined into 6.1.10(a).	Usability
8.07(a)	Parking in Commercial Districts	6.1.10(B)	Removed unnecessary business district list. Edited to make permitting authority clear.	Usability
8.07(b)	(Not titled)	6.1.10(C)	Added section reference.	Usability
8.08	Parking of Commercial Vehicles	5.4, 5.5, 5.6	Redundant with Section 5, Use Tables.	Usability
8.09	Location of Loading Spaces	6.1.10(E)	No change in wording.	Usability
8.1	Pavement of Parking Spaces	6.1.11(B)	Simplified description of pavement types.	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
8.11	Public Parking Lots	6.1.10(D)	Moved into Location section 6.1.10. Edited to make permitting authority clear. Added section reference.	Usability
8.12	Parking and Loading Space Standards	6.1.11	Grammatical edits in 6.1.11(G) and (H). Edited to make permitting authority clear in 6.1.11(L) and (M). Added "landscaping" to standards reference in 6.1.11(O) and changed cross reference from subsection 6.1.11 (was 8.12) to entire parking section 6.1.	Usability
8.13	Bicycle Parking	6.1.12	Removed "intent" statement as redundant with 6.1.1. Updated section cross references. Removed unnecessary cross references to use table.	Usability
9.01	Nonconformity by Initial Enactment or Amendment	8.1.1	Expanded.	Consistency with State law
9.02	Extension and Alteration	8.1.2	Edited but not changed.	Usability
9.03	Residential lot of Record		Removed.	Statutory
9.04	Reduction or Increase	8.1.6	More detail, better explanation	Usability
9.05	Change	8.1.3		
9.06	Restoration	8.1.7(A)	Unchanged	Usability
9.07	Abandonment	8.1.7(B)	Unchanged	Usability

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
9.08	Moving	8.1.4(D)	More detailed, meaning unchanged.	Usability
9.09	Unsafe Structure	8.1.5(E)	Better explained.	Usability
9.1	Special Permit Uses: Repair, Reconstruction, Extension, Addition	8.1.5	Unchanged.	Usability
10.01	Administrative Official	3.1(A)	Added state law reference here and strengthened	Usability
10.02	Permit Required	3.1(B)	Kept only first sentence - not sure where application procedure and submittals went	Usability, allows for changes easily
10.03	Previously Approved Permits	8.1.2(B)	In obscure place in bylaw under off-street parking and loading requirements. Makes better sense here.	Usability and Consolidation of Requirements.
10.04	Certificate of Occupancy Required	3.1(C)	Simplified, clarified and reorganized	Usability
10.05	Sign Permit Required		Moved to sign section	Usability
10.06	Permit and Certificate Fees		Removed.	Usability
10.07	Permit Time Limits		Defined by Building Code.	Consistency with State Law

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
10.08	Notice of Violation	3.1.2	While wording is amended, the intent of the existing bylaw's section remains intact.	Usability
10.09	Prosecution of Violation	3.1.4	Take out any mention of cost; perhaps use same wording as 3.2.4	Usability
10.1	Board of Appeals	3.2, 3.1.3	New clarification of procedure citing state law; under powers added comprehensive permits for low or moderate housing.	Usability
10.11	Special Permits	3.3	Substantially the same - cited state law, easier to read	Usability
10.12	Variances	3.2.2(D)	Not a separate part of the of the section; clearer by being added to the powers of the board	Usability
11.01	Special Regulations General	5.2.2	Use Regulations Applicable in All Districts	Usability
11.02	Environmental Performance	5.2.2	Use Regulations Applicable in All Districts	Usability
11.03	Removal of Sand, Gravel, Quarry or Other Earth Materials	7.1	Unchanged.	N/A
11.04	Floodplain District	5.7	Unchanged, just moved. Section is proposed to be eliminated per the Conservation Commission.	Internal Consistency

Existing Zoning Bylaw Section	Existing Zoning Bylaw Title	Proposed Zoning Bylaw Section	Amendment Summary	Amendment Purpose
11.05	Inland Wetland District		Section eliminated. This is under the jurisdiction of the Conservation Commission.	Internal Consistency
11.06	Environmental Design Review	3.4	Content unchanged.	Usability
11.07	Filling of Any Water or Wet Area		Section eliminated. This is under the jurisdiction of the Conservation Commission.	Internal Consistency
11.08	Affordable Housing Requirements	8.2	Very similar wording, some clarification/simplification.	Usability
11.08(a)	Purpose	8.2.1	Essentially unchanged - changed "upgrading" town housing stock to "improvement of"	Usability
11.08(b)	Application	8.2.2	Essentially unchanged - changed "projects" to "developments". Removed term "phased or segmented developments" but includes its full definition.	Usability
11.08 (c)	Definitions	2	Definitions moved to a by-law definition section. There is no definition of "unit" or "residential unit" though both are used in this section.	Usability
11.08(d)	Requirements	8.3.2	Removed "assisted living" from table of uses. No longer subject to affordable housing.	Internal consistency

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11.08(e)	Incentive		Removes dormitories from the single room occupancy definition and incentive. Clarifies the incentive language for parking reduction. Parking incentives apply only to affordable units.	Usability, consistency
11.08(f)	Administration		Clarification that rules are administrative. Removed specific reference to pro-rata formula. References the marketing plan. Removes affirmative requirement of legal review (though this may be to mirror actual practice).	Usability, consistency
12.01	Amendment	1.5	Chapter 40A Section 5 specifies the manner in which municipalities may amend local zoning ordinances and bylaws. Since the procedures are already specified by state law, there's nothing for local bylaws to add.	Consolidation of Requirements
12.02	Validity	1.6	This section is a severability clause. The recodified version attempts to be less wordy than the current bylaw; it simply states that "the invalidity of any section or provision shall not invalidate any other section or provision". The severability clause in the current ZBL appears to be trying to enumerate the types of sections and provisions.	Usability, Consolidation of Requirements
12.03	Effective Date			